APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,299	08/08/2001	Kenneth Joseph Schulz	10015893-1	3067

7590   06/21/2005

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EXAMINER
MARTIN, NICHOLAS A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/924,299	SCHULZ ET AL.
	Examiner	Art Unit
	Nicholas Martin	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 April 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-22* is/are pending in the application.

   4a) Of the above claim(s) *3* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) ☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____.	6) ☐ Other: _____.

1.   Claims 1-2 and 4-22 are presented for examination. Claim 3 has been cancelled.

2.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-2 and 4-22 rejected under 35 U.S.C. 103(a) as being anticipated by

Jackson, Jared Joseph (hereinafter Jackson), US 2002/0169769, in view of Ito et al.

(hereinafter Ito), US 2002/0016792).

4.   As per claim 1, Jackson teaches a program for caching an entitlement set, the

program being stored as a computer readable medium, the entitlement set designating

services and products a user is entitled to access in a network, the program comprising:

        (a) logic configured to receive a login request from the user (Paragraph [0053]);

        (b) logic configured to determine whether a memory element indicating a

triggering event related to user exists, the memory element having been created after a

triggering event (Paragraph [0043]);

5.   Jackson does not teach a program for caching an entitlement set comprising:

(b) memory element is a dirty buffer;

(c) logic configured to read a preexisting entitlement set from a memory element

if the dirty buffer does not exist, the preexisting entitlement set indicating a first scope of

access to the network;

(d) logic configured to calculate a new entitlement set if the dirty buffer does

exist, the new entitlement set indicating a second scope of access to the network; and

(e) logic configured to allow the user a third scope of access to the network, the

third scope of access being the first scope of access or the second scope of access.

6.   Ito teaches a file system comprising:

(b) memory element is a dirty buffer (Paragraph [0091]);

(c) logic configured to read a preexisting entitlement set from a memory element

if the dirty buffer does not exist, the preexisting entitlement set indicating a first scope of

access to the network (Paragraphs [0092], [0122] and [0126]); and

(d) logic configured to calculate a new entitlement set if the dirty buffer does

exist, the new entitlement set indicating a second scope of access to the network (Page

14, claim 5);

(e) logic configured to allow the user a third scope of access to the network, the

third scope of access being the first scope of access or the second scope of access

(Paragraphs [0092], [0122] and [0126] and Page 14, claim 5).

7.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Ito and Jackson because they both deal with file

systems allocating access to resources. Furthermore, the teaching of Ito to allow that a

memory element is a dirty buffer; logic configured to read a preexisting entitlement set

from a memory element if the dirty buffer does not exist, the preexisting entitlement set

indicating a first scope of access to the network; logic configured to calculate a new

entitlement set if the dirty buffer does exist, the new entitlement set indicating a second

scope of access to the network; and logic configured to allow the user a third scope of

access to the network, the third scope of access being the first scope of access or the

second scope of access would improve functionality of Jackson's system by allowing

the memory to be changed before it is written to disk to secure lack of loss of

information and reducing the time taken to access memory cues and access data more

readily.

8.   As per claim 2, Jackson teaches the program of claim 1, wherein the login

request includes user identification information (Paragraph [0054]).

9.   As per claim 4, Jackson does not explicitly teach the program of claim 1, wherein

the dirty buffer identifies the triggering event.

10.   Ito teaches a process wherein a dirty buffer identifies a triggering event

(Paragraphs [0089-0091] and [0109]).

11.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Ito and Jackson because they both deal with file

systems allocating access to resources. Furthermore, the teaching of Ito to allow

wherein a dirty buffer identifies a triggering event would improve the functionality of

Jackson's system by allowing the memory to identify triggers/interrupts in order to recognize the cues to ensure the security of information in the file systems.

12.   As per 5, Jackson does not explicitly teach the program of claim 1, wherein the triggering event is the creation of a new linking agreement.

13.   Ito teaches a process wherein the triggering event is the creation of a new linking agreement (Page 14, claim 1; Page 15, claim 14).

14.   It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ito and Jackson because they both deal with file systems allocating access to resources. Furthermore, the teaching of Ito to allow wherein the triggering event is the creation of a new linking agreement would improve the functionality of Jackson's system by allowing for alternate routes to be established when loading resources cued from memory.

15.   As per claim 6, Jackson does not explicitly teach the program of claim 1, wherein the triggering event is the creation of a contract with a customer.

16.   Ito teaches a process wherein the triggering event is the creation of a contract with a customer (Page 14, claim 1; Page 15, claims 14 and 15).

17.   It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ito and Jackson because they both deal with file systems allocating access to resources. Furthermore, the teaching of Ito to allow wherein the triggering event is the creation of a contract with a customer would improve the functionality of Jackson's system by allowing for alternate routes to be established when loading resources cued from memory.

18.   As per claim 7, Jackson teaches the program of claim 1, wherein the preexisting

entitlement set is read from a persistent memory element (Paragraphs [0006] and

[0008]; Page 4, claim 14).

19.   As per claim 8, Jackson teaches the program of claim 1, further comprising logic

for:

        allowing the user access to an information technology resource center, the scope

of the access based on the entitlement set (Paragraphs [0048-0049]).

20.   As per claim 9, Jackson teaches the program of claim 1, further comprising logic

for:

        reading a linked agreement associated with the user (Paragraphs [0006] and

[0008]; Page 4, claim 14).

21.   Jackson does not teach the program of claim 1, further comprising logic for:

        wherein information read from the linked agreement is used to create the new

entitlement set.

22.   Ito teaches a process further comprising:

        wherein information read from the linked agreement is used to calculate the new

entitlement set (Page 14, claim 1; Page 15, claim 14).

23.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Ito and Jackson because they both deal with file

systems allocating access to resources. Furthermore, the teaching of Ito to allow

wherein information read from the linked agreement is used to calculate the new

entitlement set would improve the functionality of Jackson's system by allowing for alternate routes to be established when loading resources cued from memory.

24.   As per claim 10, Jackson teaches the program of claim 9, further comprising logic for an entitlement based on the linked agreement (Paragraphs [0006] and [0008]; Page 4, claim 14).

25.   Jackson does not teach the program of claim 9, further comprising logic for wherein the entitlement used to calculate the new entitlement set.

26.   Ito teaches a process of claim 9, further comprising logic for wherein the entitlement used to calculate the new entitlement set (Page 14, claim 1; Page 15, claim 14).

27.   It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ito and Jackson because they both deal with file systems allocating access to resources. Furthermore, the teaching of Ito to allow wherein information read from the linked agreement is used to calculate the new entitlement set would improve the functionality of Jackson's system by allowing for alternate routes to be established when loading resources cued from memory.

28.   As per claim 11, Jackson does not explicitly teach the program of claim 10, further comprising logic for:

        calculating a user level entitlement, wherein the user level entitlement is used to calculate the new entitlement set.

29.   Ito teaches a process comprising logic for:

calculating a user level entitlement, wherein the user level entitlement is used to

calculate the new entitlement set (Paragraph [0005]; Page 14, claim 1; Page 15, claim

14).

30.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Ito and Jackson because they both deal with file

systems allocating access to resources. Furthermore, the teaching of Ito to allow

calculating a user level entitlement, wherein the user level entitlement is used to

calculate the new entitlement set would improve the functionality of Jackson's system

by allowing for particular paths/routes to be established when loading resources cued

from memory, specific to each ID.

31.   Claims 12-22 do not teach or define any new limitations above claims 1-2 and 4-11

and therefore are rejected for similar reasons.

Response to Arguments

32.   The affidavit filed on 4/1/2005 under 37 CFR 1.131 has been considered but is

ineffective to overcome the Jackson reference.

The evidence submitted is insufficient to establish a conception of the invention

prior to the effective date of the Jackson reference (4/12/2001). While conception is the

mental part of the inventive act, it must be capable of proof, such as by demonstrative

evidence or by a complete disclosure to another. Conception is more than a vague idea

of how to solve a problem. The requisite means themselves and their interaction must

also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417

(D.C. Cir. 1897).

The exhibits (A-D) draw inference from the cited Rapid Login application that the

features of the invention are present in particular embodiments presented in exhibits.

There is no proof that the cited exhibits correspond with the claimed elements of the

invention. There is not a clear and definite idea of the complete and operative invention

which is not sufficient for enablement.

Response to Amendment

33.   Examiner acknowledges amendments to the specification, which now appears to

be in conformance with MPEP § 608.01(g). Objection has been withdrawn.

34.   Examiner acknowledges amendments to claims 1, 12-14 and 16-20. Examiner

withdraws objects to those claims.

35.   Examiner acknowledges amendment to claim 1 reference to 35 U.S.C. §112

second paragraph. Rejections have been withdrawn.

36.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Martin whose telephone number is (571) 272-

3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30

p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-3970.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Martin
June 15, 2005

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100